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Natural Environment. The physical conditions which exist within a given area, including land, water, mineral, flora, fauna, noise, light, and objects of historic or aesthetic significance.

Naturally Woodland Area. An ecosystem characterized by naturally occurring dense tree cover.

Neighborhood Business District. *See* District

Non-Conforming Parcel. A parcel, the area, dimensions or location of which was lawful prior to the adoption, revision, or amendment of a zoning regulation but fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning regulation.

Non-Conforming Sign. Any sign lawfully existing on the effective date of a regulation, or amendment thereto, that renders such a sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended regulation.

Non-Conforming Structure. A structure, the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to a zoning regulation but fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning regulation.

Non-Conforming Use. A use or activity that was lawful prior to the adoption, revision or amendment of a zoning regulation but fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning regulation.

Non-motorized Trails. A maintained pathway designed for and used by equestrians, pedestrians, and cyclists using non-motorized bicycles.

Nuisance. Anything that is indecent or offensive to the senses as defined by MCA §27-30-101.

-O-

Offices. Buildings or portions of structures in which commercial activities take place but where goods are not produced, sold, or repaired. These include but are not limited to general and professional offices, governmental offices; insurance offices; real estate offices; taxicab offices (but not taxi stands); travel agency or transportation ticket offices; telephone exchange; utility offices; radio broadcasting and similar uses.

Open Space. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the

use and enjoyment of owners, occupants, or their guests of land adjoining or neighboring such open space.

Open Space, Common. Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.

Open Space, Green. An open space area not occupied by any structures or impervious surfaces.

Open Space, Private. Common open space, the use of which is normally limited to the occupants of a single dwelling, structure, or property.

Open Space, Public. Open space owned by a public agency and maintained by it for the use and enjoyment of the general public.

Ordinary High Water Mark. The outermost line caused by water impressing on land and covering it for sufficient periods to cause physical characteristics that distinguish the area below the line from the area above it. Characteristics of the area below the line include, when appropriate, but are not limited to, deprivation of the soil of substantially all terrestrial vegetation and destruction of its agricultural vegetative value. A floodplain adjacent to surface waters is not considered to lie within the surface water's high water marks.

Outcrop. That part of a rock formation which is exposed at the earth's surface.

Outfitter. Any person licensed in Montana to advertise and provide service as an outfitter, guide, and professional guide for recreational activities directly related to the outfitting license.

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Parcel. A contiguous lot or tract of land owned and recorded as a property of the same persons or controlled by a single entity.

Parcel of Record. An individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the County Clerk and Recorder's office.

Park. Any public or private area of land, with or without structures, for the purpose of passive and active recreational uses.

Parking. Space reserved for the parking of motor vehicles.

Parking, Off-Street. A temporary storage for a motor vehicle in a space located off any public right-of-way with room to exit either side of vehicle, and with adequate maneuvering space and access to public roads.

Parking, On-Street. A temporary storage area for a motor vehicle that is located on a dedicated street right-of-way.

Parking Area. An area, other than a street or alley designated for use, or used, for temporary parking of vehicles.

Permitted Use. A use which is specifically listed as a permitted use for a district and which meets the intent of the district without additional conditions or special review and approval being required; also referred to as principal use.

Person. Any legal entity, organization, or human being according to Montana law.

Pervious Surface. Any material that permits full or partial absorption of stormwater into the previously unimproved land.

Places of Worship. *See* Worship.

Planning Board, Gallatin County. An 11 member, citizen's advisory board.

Planning Department, Gallatin County. The department responsible for the community development planning for the unincorporated area of the county.

Planning Director, Gallatin County. The Director of the Gallatin County Planning Department and the person charged with the administration of the department according to the supervision of the Gallatin County Commissioners.

Plat. A graphical representation of a subdivision showing the division of land into lots, parcels, blocks, streets, alleys, and other divisions and dedications and includes replats or amended plats.

Power Plant, Commercial. An electrical power station facility using hydro, fossil fuel, wind, or solar energy as its fuel source, which is operated by a public utility or independent power producer and whose primary function is to provide electricity to the electrical distribution system or transmission grid.

Power Plant, Personal. An electrical power generation facility using hydro, solar, wind, or geothermal energy as its fuel source, and whose primary function is to provide electricity to the landowner for uses on the site the facility is located.

Primary Access. The major access to a subdivision. The major access generally carries the most traffic as determined by the traffic impact study.

Principal Use. A use or structure which determines the predominate or major use of the lot on which it is located. The principal use shall be that use which establishes the character of the property relative to surrounding or adjacent properties.

Property Owner. Any person, firm, corporation or other entity shown as being the legal owner of a tract, parcel, or lot in the records of the County Clerk and Recorder.

Public Health and Safety. A condition of optimal well-being, free from danger or injury, for a community at large, not merely for an individual or small group of persons.

Public Utility. A public utility shall include any enterprise providing heat, light, power, water, telegraph, telephone, railway and bus service, sewage service and audio, audio-visual and data-link communications.

-R-

Recreational Facility. Establishment, including accessory uses and structures that are customary to the recreational facility, that charge a fee for providing outdoor recreation that includes: golf courses, tennis courts, and swimming pools.

Recreational Vehicle (RV). A vehicular-type portable structure without a permanent foundation that can be towed, hauled or driven and primarily designed as a temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

Recreational Vehicle Park. A place renting space to park individual camping trailers, pickup campers, motor homes, travel trailers, or automobiles for transient dwelling purposes.

Residential. Non-commercial single- or multi-family dwellings; uses; or district designation.

Retail. The rental or sale of tangible personal property for any purpose other than for resale.

Retail, Large Scale. The rental or sale of tangible personal property for any purpose other than for resale where the total area utilized by a single tenant, exclusive of parking, occupies 40,000 square feet or more.

Retail, Small Scale. Establishments of 10,000 square feet or fewer of gross floor area engaged in the sale or rental of goods for consumer or household use.

Ridge. The horizontal line formed by opposing sloping sides that run parallel.

Ridge, Geological. A geological ridge features a relatively narrow and continuous elevational crest, or series of crests, for a distance. The ridge includes the top portion of a landform such as a hill or a mountain; and the ridge may be prominent due to the steep angle at which it rises.

Ridgeline. A line connecting the highest points along a ridge.

Right-of-way. (1) A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil and gas pipeline, water line, sanitary stormwater sewer, and other similar uses: (2) generally, the right of one to pass over the property of another.

Riparian Land. Land that is traversed or bounded by a natural watercourse or adjoining lands.

Road, Arterial. A road having the primary function of moving traffic with emphasis on a high level of mobility for through-movement, and the secondary function of providing limited access to adjacent land.

Roof. The outside top covering of a structure.

Run with the Land. A covenant or restriction of the use of the land contained in a deed and binding on the present and all future owners of the property.

Runoff. The portion of rainfall, melted snow, irrigation water, and any other liquids that flows across ground surface (and eventually is returned to streams).

-S-

Screening. A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Seasonal Use. A use dependent on or controlled by the season of the year. Seasonal uses operate continuously during a period of up to 90 days per year.

Security Lighting. All outdoor lighting used for, but not limited to, illumination for walkways, roadways. Equipment yards, parking lots, and other outdoor security where general illumination for safety and security of the grounds is the primary concern.

Sediment. Solid material, both mineral and organic that is in suspension, is being transported, or has been moved from its site of origin by air, water, or gravity as a product of erosion.

Sedimentation. The process of depositing materials from a liquid, especially in bodies of water.

Sensitive Lands. Includes all riparian corridors, wetlands, wildlife corridors and slopes over 30 percent.

Septic System. An underground system with a septic tank used for decomposition of domestic waste.

Service Station. Any structure, land use, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

Setback. The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

Setback Line. The line that is the required minimum distance from the street right-of-way or public access easement line or any other lot line that establishes the area within which structures must be placed.

Shared Access. A fixed automotive and pedestrian access location from a street to two or more adjoining properties which have the right mutually and ability to use the access, and which have been established by an easement or other legally binding means.

Shooting Preserve. An area where game is released for the purpose of providing hunting under special regulations set by the state.

Sign. Any device, fixture, placard, or structure that uses form, graphic, illumination, symbol, or writing to advertise, announce the purpose of a person or entity or to communicate information of any kind to the public.

Sign, Animated or Moving. Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

Sign, Awning, Canopy, or Marquee. A sign that is mounted, painted, or attached to an awning, canopy, or marquee that is otherwise permitted by regulation.

Sign, Face. The area or display surface used for the message.

Sign, Flashing. Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

Sign, Freestanding. Any non-movable sign not affixed to a building.

Sign, Off-premise or Billboard. A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, Pole. A sign that is mounted on a freestanding pole or other support.

Sign, Portal. A small sign at the entrance of a property, which may contain words, symbols or brands, indicating the address or identity of the premises.

Sign, Real Estate. A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

Sign, Temporary. A sign or advertising display constructed of cloth, canvas, plywood, or other light material and designed or intended to be displayed for a short period of time.

Sign, Wall. A sign fastened to or painted on the wall of a structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve inches from the structure.

Sign Area. The entire face of a sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

Site Plan. The development plan for one or more lots which shows the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulations; utility services; structures; signs and lighting; berms, buffers, and screening devices; surrounding development; and any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

Sketch Plan. A map at a scale suitable to locate the proposed development, showing the boundary lines of all adjacent properties and streets and other information necessary to determine the general location of the proposed development.

Slide. The downhill mass movement of soil, rock, or snow resulting from failure of that material under stress.

Slope. The inclination of the surface of the land from the horizontal, usually expressed in percent or degrees prior to development.

Sprawl. Uncontrolled growth, usually of a low-density nature, in previously rural areas and some distance from existing development and infrastructure.

Storage Facility. A space or place where goods, materials and/ or personal property are put for more than 24 hours.

Street, Arterial. A street or road, moving relatively large volumes of traffic in two or four lanes, having the primary function of moving through traffic and the secondary function of providing access to adjacent land.

Street, Arterial (Principal). Serves the major centers of activity, the highest traffic volume corridors, and the longest trip distances in an urbanized area.

Street, Arterial (Minor). Interconnects with and augments the urban principal arterial system. It accommodates trips of moderate length and at a somewhat lower level of mobility than principal arterials, and it distributes travel to smaller geographic areas.

Street, Collector. A street or road generally with two traffic lanes and two parking lanes serving the equally important functions of moving through traffic and providing access to adjacent land.

Street, Local Street. A street or road with two traffic lanes and one or two parking lanes having a primary function of providing access to adjacent property and the secondary function of moving through traffic.

Street, Public. A street or road for which the right-of-way has been dedicated to the public.

Structure. A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Structure, Accessory. A subordinate structure or portion of the principal structure, located on the same lot as the principal building, which is customarily incidental to the principal structure. When part of an accessory structure is connected to a part of the principal structure by a common wall, such accessory structure shall be counted as part of the principal structure. Individual public utility installations aboveground are considered accessory buildings.

Structure, Main. The principal building for accommodating the primary use to which the premises are devoted.

Structural Alteration. Any change in the shape or size of any portion of a building or of the supporting members of the building or structure such as walls, columns, beams, arches, girders, floor joist, or roof rafters.

Subdivider. Any person, firm, corporation, or other entity who causes land to be subdivided or who proposes a subdivision of land.

Subdivision. The division of a lot, tract, or parcel of land into two or more lots, tracts, parcels, or other division of land for sale, development, or lease, subject to the provisions of the Montana Subdivision and Platting Act.

Subdivision, Major. Any subdivision not classified as a minor subdivision.

Subdivision, Minor. A subdivision containing five or fewer parcels where proper access to all lots is provided and where no land in the subdivision will be dedicated to public for parks or playgrounds.

Substantial Damage. Damage sustained by a structure where the cost of restoring the structure to its condition before damage would equal or exceed 50 percent of the market value of the structure before the damage occurred as determined by Gallatin County's last equalized assessment roll.

Substantial Improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement; or before the damage occurs. It does not include alterations for listing on National Register of Historic Places or State Inventory of Historic Places; or to comply with existing local health and safety sanitary codes to assure safe living conditions.

Surveyor (Registered Land Surveyor). A person licensed in conformance with the Montana Professional Engineers, Registration Act (MCA §37-67-101 through MCA §37-67-332) to practice surveying in the State of Montana.

-T-

Topography. General term to include characteristics of the ground surface such as plains, hills, mountains, degree of relief, steepness of slope, and other physiographic features.

Tract of Record. An individual parcel of land, irrespective of ownership, that can be identified by legal description and is independent of any other parcel of land, using documents on file in the records of the County Clerk and Recorder's office.

Transfer of Development Rights (TDR). The removal of the right to develop or build, expressed in a dwelling units per acre of floor area, from a designated sending area within a zoning district to land in a designated receiving area within a zoning district where such transfer is permitted.

-U-

Unit. A residential lot, a commercial lot, a condominium, a townhouse, an individual recreational vehicle parking site or a manufactured home lot.

Use. Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied for any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Utility Service. Distribution, transmission and/ or collection systems serving the general public operating under one or more of the following conditions: (a) Provides a service that is essential to the public health, safety or general welfare; (b) Is subject to regulation by any governmental agency, either state or federal; (c) Is granted a franchise.

Utility Service Operation Facilities. Facilities required by a utility service for its service operations, excluding commercial activities. Facilities may include buildings, structures, reception and distribution equipment above and below ground, lines, pipes, tanks, ponds, pumping stations, generation and switching stations, repeaters, antennas (including off-air, satellite and microwave), transmitters and receivers, construction and service equipment, valves, housings, or any other mechanical or electronic devices of any kind and any appurtenances and equipment necessary to the furnishing of the utility service.

-V-

Variance. A provision which allows modification to a regulation or waiver of the general development and building standards when a literal enforcement would result in unnecessary or undue hardship and the granting of the variance is not contrary to the public's health, safety, and general welfare.

Vested Right. A right that cannot be changed or altered by changes in regulation.

Veterinary Clinic. An establishment for the treatment of the diseases and injuries of animals and where animals may be boarded during their convalescence.

Violation. The failure of a structure, subdivision, use of land, or other development to be fully compliant with the governing regulations.

-W-

Water Rights. A property owner's right to use surface or underground water from adjacent lands.

Water Quality. Chemical, physical, and biological characteristics of water that determine suitability for a particular use.

Watercourse. Any stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which some or all of the water is naturally occurring, such as runoff and springs, and which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed, and banks and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Wetlands. An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands are characterized by hydric soil, the presence of hydrology (standing water and/or saturated soil within 12 inches of the surface), and hydrophytic vegetation that support wetland functions and values.

Wireless Facility. An unstaffed facility for the transmission or reception of radio frequency (RF), microwave, or other signals for commercial communications purposes, typically consisting of an equipment enclosure, an antenna support structure, and one or more antennae. It excludes amateur radios, Essential Services (Type I), satellite earth stations, and private receive-only antennae, such as for the reception of television signals.

Worship, Places of. A structure, or group of structures, that by design and construction are primarily intended for conducting organized religious services and associated uses. May be referred to as a church, synagogue, temple, mosque, or other name as the facility that is used for prayer by persons of similar belief.

-Y-

Yard. Area suitable for recreation, gardens, green belts or household service activities, located on the same lot with a building, and which is open to the sky, free of undue hazard and readily accessible to the occupants of the building.

Yard, Required. The open space between a lot line and the yard line within which no structure shall be located except as provided in the zoning regulation.

-Z-

Zone. A specifically delineated area or district within which uniform regulations, requirements, and standards govern the use, placement, spacing, and size of land and structures.

Zoning. The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and structures.

Zoning Enforcement Agent. The duly authorized agent appointed by the County Commission for the purpose of administering and enforcing these Regulations.

Zoning Map. The map or maps that are a part of the zoning regulations and delineate the boundaries of the zone districts.